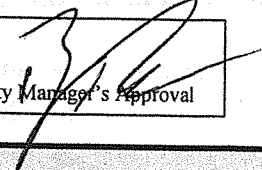
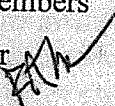




## Report to the Auburn City Council

Action Item
Agenda Item No. <b>10</b>
 City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner   
**Date:** April 8, 2013  
**Subject:** Ordinance Amendment – Residential Care Facilities (File 301.3(cc))

### The Issue

Should the City Council adopt an Ordinance for Residential Care Facilities which would define residential care facilities and permit large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2)?

### Recommended Motion (Approval)

The Planning Commission held a public hearing to receive testimony and consider the Residential Care Facilities Ordinance (**Exhibit A**) on March 5, 2013. The Planning Commission unanimously recommended that the City Council take the following actions:

- A. By Motion, adopt a Statutory Exemption prepared for the Residential Care Facilities Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- B. By Motion, adopt the following Findings of Fact for approval of the Residential Care Facilities Ordinance:
  1. The Ordinance implements State law;
  2. The Ordinance is consistent with the Auburn General Plan Housing Element;
  3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By Motion, introduce and hold a first reading, by title only, of the Residential Care Facilities Ordinance.

### Background

The Housing Element (Element) of the General Plan is a comprehensive statement by the City of Auburn of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The purpose of the Housing Element is to establish specific goals, policies, and objectives relative to the provision of housing, and to adopt an action plan toward this end.

The City's current Element was adopted in 2008 following review by, and certification from, the California Department of Housing and Community Development (HCD). It includes several goals for meeting the objectives set by the State, such as:

**Goal 1: Provide a range of housing choices that meets the needs of all Auburn residents in terms of type, density and cost.**

The programs contained in the Housing Element can also serve as a means of eliminating potential constraints for the provision of housing opportunities. One constraint identified by HCD in 2008 was that our code did not adequately provide for large Residential Care Facilities (i.e. facilities for more than 6 individuals). While the City's zoning ordinance does address small residential care facilities (i.e. facilities for up to 6 individual), it does not completely account for large residential care facilities. This limitation was identified as a constraint to providing a broader range of housing choices (Goal 1), therefore, the City included Program M in the Element (see below). Under this program, the City agreed to amend its zoning ordinance to include residential care facilities for 7 or more persons.

**M.** Adopt an amendment to the Zoning Ordinance to allow Residential Care Facilities of 7 or more in the high density residential district (R-3) and the Central Business District (C-2); therefore, allowing the development of a range of assisted care housing for older adults who have limited self-care abilities by:

- ensuring appropriate zoning for all ranges of housing from group housing to independent living with services on-site for institutional care facilities;
- helping to access funding and funding sources; and
- identifying appropriate sites for development.

**Analysis**

In order to implement Program M of the Housing Element, the City must amend the zoning ordinance of the Auburn Municipal Code (Chapter 159). The proposed amendments are included in the attached ordinance (Exhibit A); they conform to current law and are consistent with other jurisdictions surveyed by staff. The Planning Commission reviewed the proposed ordinance on March 5, 2013 and recommended that Council approve the ordinance with no changes. The basic components of the ordinance include:

1. **Definitions** – Residential Care Facilities are not currently defined in the zoning ordinance. The proposed ordinance adds definitions for both Large and Small residential care facilities (see Section One of the draft ordinance).
2. **Residential Care Facility (Large)** – Consistent with the commitment associated with Program M, the zoning code has been amended to include Large Residential Care Facilities in both the Medium Density Multiple-family Residential District (R-3) and the Central Business District (C-2) zones. In both cases, these facilities are permitted subject to approval of a Use Permit. These two zones were selected based on the following criteria:

- a. Components of Large Residential Care Facilities are currently permitted. The R-3 and C-2 zones currently permit, upon approval of a use permit, homes for the ambulatory aged, mentally impaired, congregate living health care, and developmentally disabled persons, as well as facilities for drug and/or social rehabilitation and parole-related care.
- b. Large care facilities share characteristics with other uses currently permitted in the R-3 and C-2 zone districts. Large residential care facilities provide a congregate living arrangement that are similar to multiple-family dwellings, rest homes and care homes currently permitted in the R-3 zone and apartments and rental housing permitted in the C-2 zone.
- c. The proposal is consistent with other jurisdictions:

Jurisdiction	Zone Districts
Placer County	Farm/R3/Res Ag zones – Minor Use Permit
Roseville	R-1/R-2/R-3 zones – Use Permit Res/Mixed Use – Permitted
Folsom	R-4 zone – Use Permit C-1/C-2/C-3/BP zones – Use Permit
Calabasas	R-3 – Use Permit Com/Retail – Use Permit Com/Mixed Use – Use Permit Com/Old Town – Use Permit
Citrus Heights	Facilities up to 20 persons: R-1/R-2 zones – UP R-3 - Permitted Facilities over 20 persons R-3 - Permitted
Redding	All Residential zones - Permitted C-1 zone – Admin review board C-2 – Zoning administrator Small Office – Admin review board Large Office - Permitted
Rocklin	BP zone – Use Permit R-1/R-2/R-3 zones – Use Permit
Sacramento City	All Residential zones – Special Permit C-2 zone – Special Permit

3. **Parking for Residential Care Facilities** – The existing zoning ordinance does not include parking standards for residential care facilities. The draft ordinance (Exhibit A) adds the following parking standards for Residential Care Facilities:
  - *Residential Care Facilities (Small)* - 2 usable parking spaces. This standard is consistent with the parking required for a single-family home, which is where this use type typically occurs, and may not be made any more restrictive (i.e. pursuant to Health & Safety §1568.0831, the standards for Small care facilities cannot be more restrictive than those for dwelling in the same residential zone).

- *Residential Care Facilities (Large)* - 1 parking space for each 2 beds. This standard is patterned after the City's existing standard for nursing home and convalescent homes, and is consistent with standards from other jurisdictions (see below).

Jurisdiction	Parking Required
Placer County	1 space per 2 beds
Calabasas	1 space per 2 beds + 1 per employee on largest shift
Folsom	1 space per 2 occupants (group care) 1 space per 4 beds (convalescent hospital)
Roseville	2 space per dwelling + ½ per sleeping room
Redding	1 space per 3 beds
Citrus Heights	1 space per 4 beds + 1 space per employee on duty at same time.
Rocklin	---
Sacramento, City of	---

4. **Residential Care Facility (Small)** – In the process of amending the zoning code for Large Residential Care Facilities (above), staff recognized that the existing zoning code relating to Small Residential Care Facilities needed to be reorganized and updated to be compliant with State law.

First, a definition has been provided for Small Residential Care Facilities (see #1 above). By providing this definition, the multiple existing references to Small care facility use types (e.g. Section 159.030(A)(6)) can be eliminated. Second, State law requires that Small Residential Care Facilities must be permitted “by right” in the Single-family Residential (R-1) zone district, and cannot be made a conditionally permitted use. Since the City's existing ordinance is not fully compliant, the code has been amended to include Small care facilities as a permitted use (Section 159.030(A)(6)) and an existing reference which requires approval of a use permit has been eliminated (Section 159.030(B)(6)).

### **Environmental Determination**

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

### **Alternatives Available; Implications of Alternatives**

1. Adopt the Ordinance for Residential Care Facilities as presented, or as amended by the City Council.
2. Do not adopt the Ordinance for Residential Care Facilities and provide further direction to staff.

**Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

**Attachments:**

1. Existing Zoning Ordinance (excerpted) for residential and commercial zone districts
2. Planning Commission Minutes (excerpted) – March 5, 2013

**Exhibits:****A. Residential Care Facilities Ordinance**

**USES PERMITTED****§ 159.030 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).**

(A) The following uses shall be permitted in the Single-Family Residential (R-1) District:

(1) One single-family detached dwelling unit occupied by a single family and appurtenant accessory buildings;

(2) Municipal or other public buildings, utilities and properties, including schools, parks, playgrounds and community centers owned and operated by a governmental agency, and excluding corporation yards and other uses generally classified as industrial in nature;

(3) Up to 6 non-related persons living as a non-profit group;

(4) Rest homes, foster and small family day-care homes, and outpatient nursing care homes or similar licensed facilities for up to 6 persons, including the adults and children constituting the family;

(5) Large family day-care homes as regulated by the provisions of §§ 159.390 *et seq.*;

(6) Homes for the ambulatory aged, mentally impaired, congregate living health care or developmentally disabled persons, which serve 6 or fewer persons; and

(7) Permanent manufactured homes for single-family use in compliance with § 159.055.

(B) The following uses shall be permitted in the Single-Family Residential (R-1) District subject to the approval of a use permit:

(1) Privately-owned schools, parks, golf courses, swimming and/or tennis clubs, and utilities, except as provided in §§ 159.260 *et seq.*;

(2) Churches and rest homes;

(3) One guest house;

(4) Home occupations customarily incidental to a residence;

(5) In areas not less than one acre in size, rooming and boardinghouses for not more than 15 persons, including the family; and

(6) Drug and/or social rehabilitation, or parole-related care facilities or residences, which serve 6 or fewer persons.  
(1973 Code, § 9-4.501) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 634, eff. - -; Am. Ord. 764, eff. 7-13-1981; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 89-9, eff. 5-24-1989)

**§ 159.031 TWO-FAMILY RESIDENTIAL (DUPLEX) DISTRICT (R-2).**

The following uses shall be permitted in the Two-Family Residential (Duplex) (R-2) District:

(A) All uses permitted in the R-1 District; and

(B) Two-family (duplex) dwelling units as regulated by the provisions of § 159.016(B).  
(1973 Code, § 9-4.502) (Ord. 558, eff. - -)

**§ 159.032 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3).**

(A) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District:

(1) All uses permitted in the R-1 and R-2 Districts;

(2) Multiple-family dwelling units as regulated by the provisions of § 159.016(C); and

(3) Rest homes and outpatient nursing care homes for up to 15 persons, including the children or adults constituting the family.

(B) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District subject to the approval of a use permit:

(1) Hospitals, medical and dental clinics and professional offices;

(2) Rooming houses for up to 15 persons;

(3) Nursery schools and child care centers;

(4) Homes for the ambulatory aged, mentally impaired, congregate living health care or developmentally disabled persons, which serve more than 6 persons; and

(5) Drug and/or social rehabilitation or parole-related care facilities or residences.

(1973 Code, § 9-4.503) (Ord. 558, eff. --; Am. Ord. 585, eff. --; Am. Ord. 745, eff. 9-12-1979; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 00-5, eff. 12-27-2000)

#### § 159.033 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1).

(A) The following uses shall be permitted in the Neighborhood Commercial (C-1) District when conducted within a building or other applicable area:

(1) Commercial:

(a) Amusement centers;

(b) Apparel shops;

(c) Art goods stores;

(d) Automobile parking lots;

(e) Bakeries;

(f) Book stores;

(g) Camera shops;

(h) Candy stores;

(i) Delicatessens;

(j) Drugstores;

(k) Florist shops;

(l) Fountains;

(m) Furniture stores;

(n) Gift shops;

(o) Glass stores;

(p) Hardware stores;

(q) Hobby shops;

(r) Ice cream shops;

(s) Liquor stores;

(t) Music stores;

(u) Newsstands and newspaper and related printing and publishing;

(v) Paint and wallpaper stores;

(w) Pet shops;

(x) Radio and television sales stores;

(y) Restaurants;

(z) Smoke shops;

(aa) Toy stores; and

(bb) Variety stores.

(2) Food:

(a) Bakeries employing not more than 3 per sons full or part-time, excluding sales personnel;

shops;

stores;

and vegetable stores; and

(e) Health food stores.

(3) Services:

(a) Answering services;

(b) Banks;

(c) Barber shops;

(d) Beauty parlors;

(e) Building materials stores (retail);

(f) Business offices;

(g) Commercial schools (secretarial, dance, business and the like) ;

(h) Dance halls;

(i) Laundromats;

(j) Laundry and cleaning agencies;

(k) Medical and dental offices;

(l) Pressing shops;

(m) Photographers;

(n) Professional offices;

(o) Real estate and insurance offices;

(p) Repair shops for shoes, radios, television sets and domestic appliances;

(q) Tailor shops;

(r) Taxicab stands; and

(s) Utility offices.

(B) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of a use permit:

(1) Apartments and rental housing;

(2) Bowling alleys;

(3) Drive-in dairy products;

(4) Drive-in restaurants;

(5) Gasoline service stations;

(6) Living quarters in connection with an established commercial use;

(7) Nurseries and greenhouses;

(8) Taverns;

(9) Theaters;

(10) Churches and/or church-related uses;

(11) Outdoor vending and/or temporary sales of any product for private profit not conducted within a building (excepting those uses noted in division (C) below); and

(12) Outdoor seating with 13 or more seats in association with an existing eating establishment.

(C) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of the appropriate special permit as set forth in §§ 159.475 *et seq.*

(1) Temporary outdoor sales in conjunction with special events may be authorized by the Community Development Director without necessity of a use permit.



(2) Limited outdoor seating, up to a maximum of 12 seats, in association with an existing eating establishment.

(1973 Code, § 9-4.505) (Ord. 558, eff. --; Am. Ord. 718, eff. 1-11-1978; Am. Ord. 781, eff. 4-13-1983; Am. Ord. 794, eff. 1-11-1984; Am. Ord. 803, eff. 11-7-1984; Am. Ord. 87-1, eff. 2-11-1987; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 91-3, eff. 3-27-1991; Am. Ord. 92-16, eff. 8-26-1992)

**§ 159.034 CENTRAL BUSINESS DISTRICT (C-2).**

(A) The following uses shall be permitted in the Central Business (C-2) District: all uses permitted in the C-1 District.

(B) The following uses shall be permitted in the Central Business (C-2) District when conducted within a building or other applicable area:

- (1) Antique stores;
- (2) Apartments and rental housing;
- (3) Apparel shops;
- (4) Appliance stores;
- (5) Art goods stores;
- (6) Automobile dealerships;
- (7) Automobile parts and accessory stores;
- (8) Automobile sales, services and lots;
- (9) Automobile service agencies;
- (10) Automobile upholstery shops;
- (11) Bank and lending agencies;
- (12) Barber shops;

- (13) Beauty shops;
- (14) Bike sales and repair shops;
- (15) Boat sales and repair shops;
- (16) Book stores;
- (17) Building materials stores (retail);
- (18) Bus terminals;
- (19) Camera and photographic supply stores;
- (20) Candy stores;
- (21) China and glassware shops;
- (22) Cigars and tobacco shops;
- (23) Communications equipment building;
- (24) Department stores;
- (25) Drapery shops;
- (26) Dressmaking stores;
- (27) Drugstores;
- (28) Employment agencies;
- (29) Florist shops;
- (30) Fountains;
- (31) Fur shops;
- (32) Furniture stores;
- (33) Garden supply stores;
- (34) Gift shops;
- (35) Hardware and homeware stores;
- (36) Hat shops;

- |   |   |
|---|---|
| (37) Hobby and toy shops;   | (58) Sewing shops;  |
| (38) Hotels and motels;   | (59) Shoe stores;   |
| (39) Ice cream shops;   | (60) Sporting goods stores;   |
| (40) Import shops;  | (61) Stationery and office supplies stores;   |
| (41) Interior decorating shops;   | (62) Tailor shops;  |
| (42) Jewelry shops;   | (63) Taverns;   |
| (43) Lamp shops;  | (64) Theaters;  |
| (44) Laundry and cleaning agencies;   | (65) Tire sales, repair and exchange stores<br>(not including recapping);   |
| (45) Lingerie and hosiery stores;   | (66) Title companies;   |
| (46) Liquor stores;   | (67) Toy stores;  |
| (47) Living quarters in connection with an<br>established use;  | (68) Variety stores; and  |
| (48) Luggage stores;  | (69) Yardage and yarn shops.  |
| (49) Millinery shops;   |   |
| (50) Music and records stores;  | (C) The following uses shall be permitted in the<br>Central Business (C-2) District subject to the approval<br>of a use permit: |
| (51) Offices, such as realtors, insurance,<br>photographers, accountants, attorneys, advertisers,<br>medical, dental and other professions; | (1) Automobile repair shops (not including<br>spray painting or body work);   |
| (52) Paint, glass and wallpaper sales stores;   | (2) Automobile service stations;  |
| (53) Power tools stores;  | (3) Cleaning plants;  |
| (54) Radio, television and retail electronic<br>supplies stores;  | (4) Creameries;   |
| (55) Restaurants;   | (5) Electrical repair shops;  |
| (56) Rug stores;  | (6) Laundries;  |
| (57) Savings and loan associations;   | (7) Motorcycle sales shops;   |
|   | (8) Plumbing shops;   |
|   | (9) Printing shops;   |

(10) Sheet metal shops and tire recapping with tire sales;

(11) Animal hospitals and clinics; and

(12) Use of any housing rental units, apartment or other dwelling units or buildings for the ambulatory aged, mentally impaired, developmentally disabled, congregate living health care and drug or social rehabilitation, including parole-related facilities or residences.

(1973 Code, § 9-4.506) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 632, eff. - -; Am. Ord. 87.1, eff. 2-11-1987; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 06-2, eff. 4-12-2006)

#### **§ 159.035 REGIONAL COMMERCIAL DISTRICT (C-3).**

The following uses shall be permitted in the Regional Commercial (C-3) District: all uses permitted in the C-1 and C-2 Districts.

(1973 Code, § 9-4.507) (Ord. 558, eff. - -)

#### **§ 159.036 INDUSTRIAL PARK DISTRICT (M-1).**

The following industrial uses shall be permitted in the Industrial Park (M-1) District:

(A) Animal hospitals and kennels;

(B) Automobile repair and painting shops;

(C) Automobile service stations;

(D) Bottling works;

(E) Building materials yards;

(F) Cabinet shops;

(G) Clothing manufacturing;

(H) Contractors yards and storage;

(I) Corporation yards;

(J) Design shops;

(K) Electrical distribution substations;

(L) Electronic assembly stores;

(M) Finished paper products;

(N) Furniture manufacturing;

(O) Greenhouses;

(P) Instrument manufacturing;

(Q) Laundry and dry cleaning plants;

(R) Machine shops;

(S) Novelty manufacturing;

(T) Nurseries;

(U) Photographic processing shops;

(V) Precision machine shops;

(W) Printing and bookbinding shops;

(X) Professional offices;

(Y) Research laboratories;

(Z) Rugs, draperies, and other woven fabrics manufacturing;

(AA) Sheet metal shops;

(BB) Tire recapping and sales;

(CC) Toy manufacturing;

(DD) Warehouses; and

4. A new separation standard was added requiring a minimum separation of 500 feet between emergency shelters and schools, parks, or libraries, subject to review by the City Attorney.

Commissioner Luebkehan **SECONDED** the motion.

AYES:	Luebkehan, Willick & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

- C. ORDINANCE AMENDMENT – RESIDENTIAL CARE FACILITIES (File 301.3(cc)).** The City of Auburn proposes to amend the Auburn zoning ordinance relating to residential care facilities. The proposal would amend the Auburn Municipal Code relating to the definitions for Residential Care facilities and the permitting of large residential care facilities in the Medium Density Multiple-family Residential zone district (R-3) and the Central Business District (C-2).

Planner Murray presented the Residential Care Facilities Ordinance Amendment and discussed the components of the ordinance.

Commissioner Luebkehan asked if there was a maximum number of persons in a Residential Care Facility?

Planner Murray replied that there are no maximum occupancy requirements; however, a Use Permit is required and each site will be looked at on an individual basis as to what a maximum occupancy should be.

Planner Murray described the different types of residential care facilities based upon the number of persons.

Chairman Spokely opened the public hearing.

Chairman Spokely closed the public hearing.

Chairman Spokely noted that the Residential Care Ordinance Amendment seemed to be relaxing the current provisions.

Planner Murray described the change in the proposed ordinance and noted that Residential Care Facilities with 6 persons or less are treated the same as Single Family Dwellings per State law.

Commissioner Luebkehan **MOVED** to recommend approval of the Residential Care Facilities Ordinance Amendment as presented.

Commissioner Spokely **SECONDED** the motion.

AYES:	Luebkehan, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

- D. ORDINANCE AMENDMENT – SINGLE ROOM OCCUPANCY UNITS (File 301.3(dd)).** The City of Auburn proposes to amend the Auburn Municipal Code to allow Single Room Occupancy (SRO) units in the Regional Commercial (C-3) zone district, subject to a use permit.

Planner Murray presented the Single Room Occupancy Units Ordinance and discussed the components of the ordinance.

Commissioner Luebkehan asked about the parking requirements.

Planner Murray discussed the parking requirements proposed.

Chair Spokely asked about the distance separation requirement between SRO's and property in the Single-family Residential zone.

Planner Murray stated that the standard is optional and is not mandated by the state.

Commissioner Luebkehan suggested that the separation distance should be 500' to be consistent with the Commission's recommendation for emergency shelters.

Chairman Spokely opened the public hearing.

Chairman Spokely closed the public hearing.

Commissioner Willick **MOVED** to adopt the Single Room Occupancy Units Ordinance as amended.

Commissioner Spokely **SECONDED** the motion.

AYES:	Luebkehan, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

## ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AUBURN AMENDING THE AUBURN  
MUNICIPAL CODE TO INCLUDE PROVISIONS FOR RESIDENTIAL CARE  
FACILITIES IN THE MULTIPLE-FAMILY RESIDENTIAL (R3) AND CENTRAL  
BUSINESS (C-2) ZONE DISTRICTS**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas the City of Auburn recognizes the benefits of allowing a range of housing opportunities for disadvantaged persons; and,
- B. Whereas the Auburn Housing Element (Program M) commits the City to amend its zoning ordinance to allow Residential Care Facilities in the Multiple-Family Residential (R3) and the Central Business (C-2) zone districts; and,
- C. Whereas the Zoning Ordinance of the Auburn Municipal Code regulates the existing standards of the City's development code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES  
HEREBY ORDAIN:**

**Section One:** Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to include the following definitions:

***RESIDENTIAL CARE FACILITY - LARGE.*** A large residential care facility refers to any premises, place, or building that provides 24-hour non-medical services to seven (7) or more persons who are in need of personal services, supervision, or assistance. A large residential care facility is licensed by the State Department of Social Services and, according to the provisions of the California Health and Safety Code, shall be considered a residential use of property. Typical uses include, but are not limited to, facilities for alcoholism or drug abuse recovery, residential care for the elderly, mentally disordered or handicapped persons, dependent and neglected children, social rehabilitation, pediatric care, intermediate care for the development disabled, and congregate living health.

***RESIDENTIAL CARE FACILITY - SMALL.*** A small residential care facility refers to any premises, place, or building that provides 24-hour non-medical services to six (6) or fewer persons who are in need of personal services, supervision, or assistance. A small residential care facility is licensed by the State Department of Social Services and, according to the provisions of the California Health and Safety Code, shall be considered a residential use of property. Typical uses include, but are not limited to, facilities for alcoholism or drug abuse recovery, residential care for the elderly, mentally disordered or handicapped persons, dependent and neglected children, social rehabilitation, pediatric care, intermediate care for the development disabled, and congregate living health.

**Section Two:** Amend Section 159.030 (Single-family Residential District (R-1)) of Title XV of the City of Auburn Municipal Code to read as follows:

**§ 159.030 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).**

- (A) The following uses shall be permitted in the Single-Family Residential (R-1) District:
- (1) One single-family detached dwelling unit occupied by a single family and appurtenant accessory buildings;
  - (2) Municipal or other public buildings, utilities and properties, including schools, parks, playgrounds and community centers owned and operated by a governmental agency, and excluding corporation yards and other uses generally classified as industrial in nature;
  - (3) Up to 6 non-related persons living as a non-profit group;
  - (4) Rest homes, foster and small family day-care homes, and outpatient nursing care homes or similar licensed facilities for up to 6 persons, including the adults and children constituting the family;
  - (5) Large family day-care homes as regulated by the provisions of §159.390 et seq.;
  - (6) Residential Care Facility – Small; ~~Homes for the ambulatory aged, mentally impaired, congregate living health care or developmentally disabled persons, which serve 6 or fewer persons;~~ and
  - (7) Permanent manufactured homes for single-family use in compliance with § 159.055.
- (B) The following uses shall be permitted in the Single-Family Residential (R-1) District subject to the approval of a use permit:
- (1) Privately-owned schools, parks, golf courses, swimming and/or tennis clubs, and utilities, except as provided in §159.260 et seq.;
  - (2) Churches and rest homes;
  - (3) One guest house;
  - (4) Home occupations customarily incidental to a residence;
  - (5) In areas not less than one acre in size, rooming and boardinghouses for not more than 15 persons, including the family; and
  - (6) ~~Drug and/or social rehabilitation, or parole related care facilities or residences, which serve 6 or fewer persons.~~

**Section Three:** Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code to read as follows:

**§ 159.032 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3).**

- (A) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District:
- (1) All uses permitted in the R-1 and R-2 Districts;

- (2) Multiple-family dwelling units as regulated by the provisions of §159.016(C); and
  - (3) Rest homes and outpatient nursing care homes for up to 15 persons, including the children or adults constituting the family.
- (B) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District subject to the approval of a use permit:
- (1) Hospitals, medical and dental clinics and professional offices;
  - (2) Rooming houses for up to 15 persons;
  - (3) Nursery schools and child care centers;
  - (4) Residential Care Facility – Large; ~~Homes for the ambulatory aged, mentally impaired, congregate living health care or developmentally disabled persons, which serve more than 6 persons; and~~
  - (5) ~~Drug and/or social rehabilitation or parole-related care facilities or residences.~~

**Section Four:** Amend Section 159.034(C) (Central Business District (C-2)) of Title XV of the City of Auburn Municipal Code to read as follows:

**§ 159.034 CENTRAL BUSINESS DISTRICT (C-2).**

- (C) The following uses shall be permitted in the Central Business (C-2) District subject to the approval of a use permit:
- (1) Automobile repair shops (not including spray painting or body work);
  - (2) Automobile service stations;
  - (3) Cleaning plants;
  - (4) Creameries;
  - (5) Electrical repair shops;
  - (6) Laundries;
  - (7) Motorcycle sales shops;
  - (8) Plumbing shops;
  - (9) Printing shops;
  - (10) Sheet metal shops and tire recapping with tire sales;
  - (11) Animal hospitals and clinics; and
  - (12) Residential Care Facility – Large. ~~Use of any housing rental units, apartment or other dwelling units or buildings for the ambulatory aged, mentally impaired, developmentally disabled, congregate living health care and drug or social rehabilitation, including parole-related facilities or residences.~~

**Section Five:** Amend Section 159.167 (Parking Spaces; Number Required) of Title XV of the City of Auburn Municipal Code to include the following:

- (M) For residential care facilities:
- (1) Small – For small residential care facilities, 2 usable parking spaces; and
  - (2) Large – For large residential care facilities, 1 parking space for each 2 beds.



(NM) For uses not set forth in this section, as determined by the Commission.

**Section Six:** This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

**Section Seven:** The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

**Section Eight:** If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

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